

FILED - USDC -NH  
2024 MAY 16 AM 11:01

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

KAREN TESTERMAN, ET AL.

PETITIONER(S),

v.

Case No. 1:24-cv-00020-LM-AJ

NH SECRETARY OF STATE, ET AL,

RESPONDENT(S).

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**APPLICATION FOR ENTRY OF DEFAULT AGAINST CO-DEFENDANTS  
PURSUANT TO RULE 55(a) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

NOW COMES Republican primary voters Karen Testerman and NH state Representative David Testerman, (the “Petitioners”), pursuant to L.R. 55.1 (a), and respectfully submits to the Clerk of the United States District Court for the District of New Hampshire, and hereby requests pursuant to Rule 55(a) of the Federal Rules of Civil Procedure that the Clerk enter the default of the co-defendants for failure to plead or otherwise defend against this action in a timely manner, stating as follows:

1. On April 4, 2024, the court granted the Petitioner’s Motion for Leave to File Amended Complaint in this matter (Doc. # 25). See Endorsed Order, dated 04/04/2024.
2. On April 22, 2024, the petitioners filed their amended complaint against all defendants (Doc. # 37).

3. Concurrently in time, attorneys Mark Franco and Demetrio F. Aspiras, III filed an appearance on behalf of the co-defendants (Doc. ## 29 & 30), while attorneys Jacob Rhodes and Brian Gould withdrew representation for the co-defendants (Doc. # 35). Petitioners timely filed an assent to the withdrawal of attorneys Rhodes and Gould (Doc. # 36).

4. Despite this shifting of legal representation for the co-defendants, the above-named co-defendants have failed to plead or otherwise respond to the Amended Complaint in a timely manner.


5. The request is based on the attached Declaration of Plaintiff.

6. Pursuant to LR 55.1(a), the serving party shall give notice of the Entry of Default to the defaulting parties by regular mail, sent to the last known address of the defaulted party.

Respectfully Submitted,


DAVID TESTERMAN, *N.H. State  
Representative, Merrimack County  
District 03*

Dated: May 16, 2024

By:   
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KAREN TESTERMAN, *both individually  
and as former New Hampshire Merrimack  
County Republican Committee (MCRC)  
Chair*

Dated: May 16, 2024

By:   
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent by regular mail and by electronic means to:


David Scanlan, Respondent  
Secretary of State  
ATTENTION: Brendan Avery O'Donnell  
Election Law Unit Chief  
New Hampshire Department of Justice  
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Chris Ager, Co-Respondent  
Chairman, New Hampshire Republican State Committee  
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Dated: May 16, 2024

  
Karen Testerman, *pro se*